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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

BROWN, VERNAL U

ART UNIT

PAPER NUMBER

2612

MAIL DATE

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09/01/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/509,238

Applicant(s)WOUTERS, JOHAN AGNES
EMILE**Examiner**

VERNAL U. BROWN

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18, 21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18, 21 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is responsive to communication filed on May 18, 2009.

Response to Amendment

The examiner acknowledges the amendment of claims 1, 10, 16 and the amended specification.

Response to Arguments

Applicant's arguments filed May 18, 2009 have been fully considered but they are not persuasive.

Regarding applicant argument on pages 8-9 regarding the teaching of Hayes as it relates to the selection of the command for the different mode, the examiner interpret the device type as been determined by the functionality of the device (TV, VCR, Cable box) and the control of the device type is based on the selected mode of operation of the remote control (col. 2 lines 49-53, col. 4 lines 54-55).

Applicant argues on 9 that Hayes teaches the command set is only applied to different modes and are not utilized for controlling a single device type. It is the examiner's position that the reference of Hayes teaches selecting code from a plurality of code use for controlling a device type (television) and using the selected code to control a television (col. 5 lines 18-35).

Applicant argues on page 10 that the reference of Hayes teaches each of the plurality of code set apply to different appliances and are not different code set that are combine to control a given device type. It is the examiner's position that different appliances (TV, VCR, Cable box) are considered different device type and teaches selecting code for controlling a particular device

corresponding to a particular device type such as a television based on the manufacturer of the device (col. 5 lines 18-35).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 9-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayes et al. US Patent 5614906 in view of Schein et al. US Patent 6133909.

Regarding claims 1-2, 16, Hayes et al. teaches a selector for linking code set to an object key in order to enable a user to control functions of a device by placing the remote control into a set up mode and allowing the user to select a command set and the selected command set is assigned to the actuated key (col. 4 line 50-col. 5 line 17). Hayes also teaches the coded set (command set) is chosen from a plurality of code sets for a given device (col. 5 lines 6-12). Hayes teaches the plurality of command sets (code sets) include a plurality of command codes for controlling a controllable device and teaches creating link between the preset code provided for a given device and the object key of the remote near control (col. 6 lines 6-44, col. 6 lines 59-64). Hayes et al. teaches downloading the codes from an external source to the remote control and the

examiner considers the external source as a third party (col. 2 line 66-col. 3 line 5). Hayes et al. is not explicit in teaching the remote control code is IR or RF. Schein et al. in an analogous art teaches the use of RF and IR code in a remote control (figure 1) and this represent a conventional practice.

It would have been obvious to one of ordinary skill in the art to use IR or RF signal in the remote control because this represent a conventional practice.

Regarding claim 3, Hayes et al. teaches the remote control is a multi-mode device (col. 4 lines 50-56).

Regarding claims 4, 11, and 17, Hayes et al. teaches proposing a preset code set by performing a code set search based on a search criteria and presenting a code set base on the search criteria (col. 5 lines 7-11)

Regarding claim 5, Hayes teaches verifying the effect of linking the code to the key by observing the effect of operating the key (col. 6 lines 20-30).

Regarding claims 6, 12, and 18, Hayes et al. teaches changing the order of the propose code set based on a previously selected code set (col. 6 lines 38-50).

Regarding claims 7 and 13, Hayes et al. teaches communicating unlink object key by observing if there is any effect upon pressing the key (col. 5 lines 17-20).

Regarding claims 9 and 14-15, Hayes et al. teaches the remote control include storage for storing downloaded code received from outside of the remote control device (col. 5 lines 40-48).

Regarding claim 10, Claim 10 recites a method for practicing the device of claim 1 and is therefore rejected for the same reasons.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hayes et al. US Patent 5614906 in view of Schein et al. US Patent 6133909 and further in view of Lin et al. US Patent Application 20010017615.

Regarding claim 8, Hayes et al. is silent on teaching a touch screen input. Lin et al. in an analogous art teaches a remote control that uses a touch screen as an input means (paragraph 035).

It would have been obvious to one of ordinary skill in the art to modify the remote control of Hayes et al. as disclosed by Lin et al. because the touch screen renders the remote control to be more user friendly.

Claims 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayes et al. US Patent 5614906 in view of Schein et al. US Patent 6133909 and further in view of Frank US Patent 5457478.

Regarding claims 21-22, Hayes et al. is silent on teaching the prompting of the user to repeat a selection. Frank in an analogous art teaches the prompting of the user for making a selection.(col. 5 lines 1-6)..

It would have been obvious to one of ordinary skill in the user to prompt the user for making a selection because this rendered the device more users friendly and assist the user in determining the next step in linking a code set to a key.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **VERNAL U. BROWN** whose telephone number is (571)272-3060. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Zimmerman can be reached on 571-272-3059. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vernal U Brown/
Examiner, Art Unit 2612